

(b) The executive administrator of the Texas Water Development Board or the administrator's designee is the presiding officer of the task force.

SECTION 3. DUTIES OF TASK FORCE. The task force shall review, evaluate, and recommend optimum levels of water use efficiency and conservation for the state by:

(1) identifying, evaluating, and selecting best management practices for municipal, industrial, and agricultural water uses and evaluating the costs and benefits for the selected best management practices;

(2) evaluating the implementation of water conservation strategies recommended in regional and state water plans;

(3) considering the need to establish and maintain a statewide public awareness program for water conservation;

(4) evaluating the proper role, if any, for state funding of incentive programs that may facilitate the implementation of best management practices and water conservation strategies;

(5) advising the Texas Water Development Board and the Texas Commission on Environmental Quality on:

(A) a standardized methodology for reporting and using per capita water use data;

(B) establishing per capita water use targets and goals, accounting for such local effects as climate and demographics; and

(C) other possible uses as appropriate; and

(6) evaluating the appropriate state oversight and support of any conservation initiatives adopted by the legislature.

SECTION 4. ASSISTANCE OF STATE AGENCIES. The task force may request the assistance of state agencies, departments, or offices to carry out its duties, including necessary staff support.

SECTION 5. PUBLIC MEETINGS. The task force may hold public meetings as needed to fulfill its duties under this Act.

SECTION 6. BEST MANAGEMENT PRACTICES GUIDE; REPORT. Not later than November 1, 2004, the task force shall develop a best management practices guide for use by regional water planning groups and political subdivisions responsible for water delivery service and shall make a final report to the lieutenant governor, the speaker of the house of representatives, and the legislature evaluating the issues described in Section 3 of this Act.

SECTION 7. EXPIRATION OF ACT AND ABOLITION OF TASK FORCE. This Act expires and the task force is abolished on January 1, 2005.

SECTION 8. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Passed the Senate on April 22, 2003: Yeas 31, Nays 0; passed the House on May 6, 2003: Yeas 143, Nays 0, two present not voting.

Approved May 20, 2003.

Effective September 1, 2003.

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## CHAPTER 110

S.B. No. 1183

### AN ACT

relating to community service programs under the National and Community Service Act of 1990.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subsection (a), Section 302.021, Labor Code, is amended to read as follows:

(a) The following job-training, employment, and employment-related educational programs and functions are consolidated under the authority of the division:

- (1) adult education programs under Subchapter H, Chapter 29, Education Code;
- (2) proprietary school programs under Chapter 132, Education Code;
- (3) apprenticeship programs under Chapter 133, Education Code;
- (4) postsecondary vocational and technical job-training programs that are not a part of approved courses or programs that lead to licensing, certification, or an associate degree under Chapters 61, 130, and 135, Education Code, Subchapter E, Chapter 88, Education Code, and Subchapter E, Chapter 96, Education Code;
- (5) employment programs under Chapter 31, Human Resources Code;
- (6) the senior citizens employment program under Chapter 101, Human Resources Code;
- (7) the work and family policies program under Chapter 81;
- (8) job-training programs funded under the Job Training Partnership Act (29 U.S.C. Section 1501 et seq.) and under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.);
- (9) the job counseling program for displaced homemakers under Chapter 304;
- (10) the reintegration of offenders program under Chapter 306;
- (11) the inmate employment counseling program under Section 499.051(f), Government Code;
- (12) the continuity of care program under Section 501.095, Government Code;
- (13) a literacy program from state, local, federal, and private funds available to the state for that purpose;
- (14) the employment service;
- (15) ~~the community service program under the National and Community Service Act of 1990 (42 U.S.C. Section 12501 et seq.);~~
- ~~[(16)]~~ the trade adjustment assistance program under Part 2, Subchapter II, Trade Act of 1974 (19 U.S.C. Section 2271 et seq.);
- ~~[(17)]~~ ~~[(16)]~~ education, employment, employment support, training services, activities and programs funded under Temporary Assistance for Needy Families (42 U.S.C. Section 601 et seq.);
- ~~[(18)]~~ ~~[(17)]~~ the food stamp employment and training program authorized under 7 U.S.C. Section 2015(d); and
- ~~[(19)]~~ the functions of the State Occupational Information Coordinating Committee.

SECTION 2. Subsection (b), Section 2308.102, Government Code, is amended to read as follows:

(b) The council shall assume the responsibilities assigned to the state advisory council under the following federal laws:

- (1) the Job Training Partnership Act (29 U.S.C. Section 1501 et seq.);
- (2) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. Section 2301 et seq.);
- (3) ~~the National and Community Service Act of 1990 (42 U.S.C. Section 12501 et seq.);~~
- ~~[(4)]~~ the Adult Education Act (20 U.S.C. Section 1201 et seq.);
- (4) ~~[(5)]~~ the Wagner-Peyser Act (29 U.S.C. Section 49 et seq.);
- (5) ~~[(6)]~~ Part F, Subchapter IV, Social Security Act (42 U.S.C. Section 681 et seq.);
- (6) ~~[(7)]~~ the employment program established under Section 6(d)(4), Food Stamp Act of 1977 (7 U.S.C. Section 2015(d)(4)); and
- (7) ~~[(8)]~~ the National Literacy Act of 1991 (20 U.S.C. Section 1201 et seq.).

SECTION 3. This Act takes effect September 1, 2003.

Passed the Senate on April 10, 2003: Yeas 31, Nays 0; passed the House on May 6, 2003, by a non-record vote.

Approved May 20, 2003.

Effective September 1, 2003.

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## CHAPTER 111

### S.B. No. 1400

#### AN ACT

relating to the labeling of certain drugs.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subdivision (8), Section 431.002, Health and Safety Code, is amended to read as follows:

(8) "Consumer commodity," except as otherwise provided by this subdivision, means any food, drug, device, or cosmetic, as those terms are defined by this chapter or by the federal Act, and any other article, product, or commodity of any kind or class that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or for use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and that usually is consumed or expended in the course of the consumption or use. The term does not include:

(A) a meat or meat product, poultry or poultry product, or tobacco or tobacco product;

(B) a commodity subject to packaging or labeling requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), or *The [Section 8,] Virus-Serum-Toxin Act* (21 U.S.C. 151 *et seq.* [158]);

(C) a drug subject to the provisions of Section 431.113(c)(1) or 431.112(j) [431.112(k)], or Section 503(b)(1) [or 506] of the federal Act;

(D) a beverage subject to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act (27 U.S.C. 205(e)); or

(E) a commodity subject to the provisions of Chapter 61, Agriculture Code, relating to the inspection, labeling, and sale of agricultural and vegetable seed.

SECTION 2. Subsection (c), Section 431.042, Health and Safety Code, is amended to read as follows:

(c) An inspection under Subsection (b) may not extend to:

(1) financial data;

(2) sales data other than shipment data;

(3) pricing data;

(4) personnel data other than data relating to the qualifications of technical and professional personnel performing functions under this chapter;

(5) research data other than data:

(A) relating to new drugs, antibiotic drugs, and devices; and

(B) subject to reporting and inspection under regulations issued under Section 505(i) or (j), [507(d) or (g),] 519, or 520(g) of the federal Act; or

(6) data relating to other drugs or devices that, in the case of a new drug, would be subject to reporting or inspection under regulations issued under Section 505(j) of the federal Act.

SECTION 3. Subsection (b), Section 431.059, Health and Safety Code, is amended to read as follows:

(b) A person is not subject to the penalties of Subsection (a):

(1) for having received an article in commerce and having delivered or offered delivery of the article, if the delivery or offer was made in good faith, unless the person refuses to furnish on request of the commissioner, an authorized agent, or a health authority, the